## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CRIMINAL DOCKET NO.: 5:04cr18

UNITED STATES OF AMERICA	)	
VS.	)	ORDER
	)	<u> </u>
FREDERICK LAMONT MUNGRO,	)	
Defendant.	)	
	)	

**THIS MATTER** is before the Court on Defendant's Request for Ruling on Motion for New Trial (Doc. # 349).

The Court held a hearing on Defendant's Motion for New Trial on March 7, 2007. At the hearing, the Court set a deadline of May 15, 2007 for Defendant's post-hearing brief, and May 29, 2007 for the Government's response. On May 2, 2007, upon Defendant's unopposed motion, the Court extended the briefing deadlines to June 14, 2007 for the Defendant and June 28, 2007 for the Government. Defendant filed his post-hearing brief on June 14, 2007. On July 2, 2007, upon the Government's unopposed motion, the Court extended the Government's response deadline to July 17, 2007. As of the date of this order, the Government has yet to file its response.

Defendant now requests that the Court rule on Defendant's motion without further delay, or alternatively, direct the Government to file a prompt response and permit Defendant to reply within fourteen days. In the interests of resolving this matter in a timely fashion, the Court will proceed to examine Defendant's motion based upon the evidence provided at the hearing and Defendant's brief. Should the Government file a response before the Court's ruling, the Court will permit Defendant

to file a reply brief within fourteen days.

\_\_\_\_IT IS, THEREFORE, ORDERED that the Court will proceed to examine Defendant's

Motion for New Trial without further delay.

IT IS FURTHER ORDERED that the Defendant is permitted to file a reply brief within **fourteen (14) days** of any Government response.

Signed: August 3, 2007

Richard L. Voorhees United States District Judge